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## Donald J. Pisani, *Water, Land & Law in the West*

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assessment involves: "(1) the determination of the kind and degree of hazard posed by an agent (such as a harmful substance); (2) the extent to which a particular group of people has been or may be exposed to the agent; and (3) the present or potential health risk that exists due to the agent."

Both environmental measurement and risk assessment require accurate identification of chemical species. This guide was developed to assist with this process. It covers the following areas:

1). A summary of the environmental laws and corresponding regulations in 40 CFR.

2). A chemical cross-reference for sampling, analysis, monitoring, and risk assessment regulations.

3). A list of chemicals, their emission standards, and their measurement methods under the requirements of the Resource Conservation and Recovery Act, the Safe Drinking Water Act, the Clean Water Act, and the Clean Air Act.

4). A list of sources from which health-related information can be obtained for performing risk assessment calculations.

The book consists entirely of tables and explanatory notes that are intended to be a reference for anyone involved in environmental protection activities. Based upon Dr. Lee's extensive experience in conducting engineering and environmental research projects, it should prove to be a useful tool.

*Vicki L. Spencer*

**DONALD J. PISANI, WATER, LAND & LAW IN THE WEST**, University of Kansas Press, Lawrence, Kansas (1996); 273pp; \$29.95; ISBN 0-7006-0795-1, hardcover.

This collection of essays represents the finest works by the acclaimed western and environmental historian, Donald Pisani. Written between 1982 to 1994, these essays delineate how water, land and forests have played a central role in the development of the American West. Although the collection is divided into four sections, none should be considered in isolation, as each essay addresses the government's failure "to achieve justice, equity, or efficiency in the administration of natural resources." Pisani's position is that past and present public policy has lacked planning, cohesiveness, and leadership, resulting in the slow erosion of the nation's most valuable resources. It is his hope that past experiences will impact future policy in the areas of public land and resources.

Part One of this collection consists of three essays that address the topic of water rights in the West. The first essay provides an overview of the development of western water law in the nineteenth century. By 1900 prior appropriation was firmly established in the West, although it did coexist with riparian rights in parts of the Pacific Coast and the Great Plains. The second essay in this section explores the origins of the prior appropriation doctrine in two California mining districts. The doctrine, although dominant, was not altogether favored by the

miners, and Pisani discusses the ways in which mining conditions often led to a broad array of local water law. The last essay in this section, "State vs. Nation: Federal Reclamation and Water Rights in the Progressive Era" examines the historic struggle between the states and the federal government over water rights. Pisani's focus is on the Bureau of Reclamation's attempts to limit state control over water in the first decades after passage of the 1902 Reclamation Act. As Pisani notes, one of the unfortunate outcomes of this struggle was the failure to make water law reform a precondition for federal aid. Consequently, the effectiveness of a national reclamation program was limited.

Part Two of the collection focuses on land. Pisani tracks the critical role that land played in the early development of our nation as increasing numbers of settlers arrived with each passing year. Not only did the continent's abundance of land help the newly emerging nation escape European despotism, but it gave individuals a new concept of freedom. As more people endured the hardships of the western expansion, there was an intensified belief in the principle of one's "natural right" to the land. Not surprisingly, this belief gave rise to considerable controversy. Pisani's essay on "Squatter Law in California, 1850-1858" provides insight into how diverse interests such as the treaty rights of Mexican grantees, the natural rights of squatters, and local traditions interacted to make development of the west unique.

Pisani's next essay, "Land Monopoly in Nineteenth Century California," carries the story of western expansion one step further. Initial settlement and the policy of preemption quickly gave way to the creation of a distinctly Californian economy. In the Midwest, "rampant land speculation characterized the *initial* phase of settlement but soon gave way to small farms, [but] in California monopoly became more rather than less entrenched as time passed." According to Pisani, the scarcity of water and the nature of irrigation agriculture caused these different patterns of landholding to emerge, in spite of federal policies encouraging small farming.

No history of western resources would be complete without a discussion of drought and the railroads. The final essay in Part Two examines the impact drought had on the western expansion, and the critical part railroads played in shaping land and water policy. Pisani walks the reader through the political and legal process that George Maxwell, a water rights lawyer from California, followed to encourage land law reform and a federal reclamation program. By forming an alliance of the major railroads, Maxwell succeeded in pushing the 1902 Reclamation Act through Congress. But, in Pisani's view, this was a limited victory as other federal legislation allowed cattle, timber, mining and other companies to continue to monopolize public lands.

Part Three examines the conservation movement's influence on natural resource policy. The focus is on conservation, the use of the nation's forests, and the ultimate impact on arid land reclamation. In addition to a discussion of the symbiotic relationship between forest preservation and reclamation, the essays touch upon the impact for-

estry policy has had on watersheds throughout the public domain, as well as the additional problems of soil erosion and siltation.

In Part Four, the final two essays examine federal water policy in the early twentieth century. Once again, there was hope that irrigation would transform the American West. In his essay, "Irrigation, Water Rights, and the Betrayal of Indian Allotment", Pisani introduces the reader to an array of policies intended to "civilize" Indians, and how implementation of these policies led to the betrayal of Indian water rights.

Finally, the collection ends with an essay entitled, "Reclamation and Social Engineering in the Progressive Era." Here, Pisani examines the "intellectual foundation of the reclamation movement" and how its proponents thought irrigation would transform the structure of American institutions. By offering land to the landless, labor was systematically redistributed from the crowded eastern seaboard to the west, new markets were established, and the concept of the "American Dream" was born. As Pisani notes, water and reclamation policies could be characterized as a form of social engineering.

*Vicki L. Spencer*

**WILLIAM WHIPPLE, JR., COMPREHENSIVE WATER PLANNING AND REGULATION: NEW APPROACHES FOR WORKABLE SOLUTIONS,** Government Institutes, Inc., Rockville, Maryland (1996); 200pp; \$69.00; ISBN 0-86587-513-8, softcover.

*Comprehensive Water Planning and Regulation* provides the reader with practical information regarding effective management of scarce water resources. This book serves as an excellent guide for anyone participating in water resource planning and decision making processes, particularly at the federal level. Within just 172 pages, the reader will find historical background of water resource conditions, evaluation of current management systems, and suggested ways to overcome barriers to effective management. Useful summaries of the problems and solutions presented are provided at the end of each chapter.

Mr. Whipple's analysis begins by outlining the current status of our nation's most pronounced water resource problem: the conflict between EPA regulatory goals and Corps of Engineers planning and development goals. The conflict is really one of economic proportions, centering on the costs associated with increased government regulation. Demand for water is increasing with population growth and changes in our environment. Mr. Whipple contends that while public opinion supports greater regulation, EPA's response to that public opinion neglects to address the need to maintain and expand our water supply. The problem, according to Mr. Whipple, is that EPA's regulatory criteria represent "non-negotiable absolutes" that do not account for geographical variances or cost.

Chapter two provides a history of federal water resources planning from pre-World War II through the Reagan era. This history discusses